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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-874*

11 **MATTHEW JOSEPH PEZOLD,**  
12 **aka MATTHEW PEZOLD**

**ACCUSATION**

13 **218 Northwind Drive**  
14 **Brandon, Mississippi 39047**

15 **Registered Nurse License No. 650823**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about January 12, 2005, the Board issued Registered Nurse License Number  
23 650823 to Matthew Joseph Pezold, aka Matthew Pezold (Respondent). The Registered Nurse  
24 License expired on September 30, 2010, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28

1 indicated.

2 4. Code section 2750 provides, in pertinent part, that the Board may discipline any  
3 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
4 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
6 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
7 to render a decision imposing discipline on the license. Code section 2811, subdivision (b),  
8 allows the Board to renew an expired license within eight years of expiration.

9 STATUTORY PROVISIONS

10 6. Code section 2761 states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an  
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 "..."

15 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
16 against a health care professional license or certificate by another state or territory of the United  
17 States, by any other government agency, or by another California health care professional  
18 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
19 action.

20 "..."

21 COST RECOVERY

22 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
27 included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Out of State Discipline)

3 8. Respondent is subject to disciplinary action under Code section 2761, subdivision  
4 (a)(4), in that on or about February 18, 2011, in a disciplinary action before the Mississippi Board  
5 of Nursing, in the matter of Mississippi License No. R-866160, Respondent voluntarily  
6 surrendered his license. The disciplinary action arose from Respondent's failure to comply with a  
7 previously imposed order in that he failed to abstain from mood-altering, controlled, and  
8 addictive substances. The circumstances are as follows:

9 a. On or about June 4, 2010, the Mississippi Board of Nursing restricted Respondent's  
10 license after Respondent tested positive for Marijuana, Amphetamine, and Alprazolam on or  
11 about November 11, 2009, and admitted to smoking Marijuana on several occasions and taking  
12 Xanax that was not prescribed to him.

13 b. Respondent tested positive for Cannabinoid on or about November 9, 2010.

14 c. Respondent tested positive for alcohol on or about December 22, 2010.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 650823, issued to  
19 Matthew Joseph Pezold, aka Matthew Pezold;

20 2. Ordering Matthew Joseph Pezold, aka Matthew Pezold to pay the Board of  
21 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
22 pursuant to Business and Professions Code section 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: APRIL 8, 2013

25 *Louise R. Bailey*  
26 LOUISE R. BAILEY, M.ED., RN  
27 Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
28 Complainant